

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADJUSTACAM LLC

v.

AMAZON.COM, INC.; ET AL.

NO. 6:10-cv-329-LED

JURY

PLAINTIFF'S ANSWER TO NEWEGGG AND NEWEGG.COM'S COUNTERCLAIMS

Plaintiff AdjustaCam LLC (“AdjustaCam”) answers the counterclaims (Dkt No. 171) of Defendants Newegg Inc. and Newegg.com Inc. (collectively “Newegg”), by corresponding paragraph number, as follows:

1. Admitted that Newegg Inc. is a Delaware corporation. AdjustaCam lacks knowledge or information sufficient to form a belief about the other allegations in this paragraph.
2. Admitted that AdjustaCam is a Texas LLC with a principal place of business in Frisco.
3. Admitted as to subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.
4. Admitted as to personal jurisdiction over AdjustaCam.
5. Admitted as to venue over counterclaims. Denied as to merits of counterclaims.
6. Admitted that AdjustaCam has sued Newegg for infringing the ‘343 patent. Admitted as to subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.
7. AdjustaCam’s answers to paragraphs 1-6 are incorporated herein.
- 8-9. Denied.
- 10-11. Denied that Newegg is entitled to any such relief.
12. AdjustaCam’s answers to paragraphs 1-11 are incorporated herein.
13. Denied.
14. Denied that Newegg is entitled to any such relief.

15. Newegg's purported reservation of rights is not fairly subject to being admitted or denied. Subject to the foregoing, denied that Newegg has any grounds for additional defenses or counterclaims.

16. To the extent necessary, AdjustaCam denies that Newegg is entitled to the relief requested in its prayer for relief. In addition, to the extent necessary, AdjustaCam generally denies any allegation in the counterclaims not specifically admitted above, and AdjustaCam re-alleges infringement, validity and damages, and denies any allegations in the counterclaim adverse to same.

PRAYER FOR RELIEF

WHEREFORE, AdjustaCam respectfully requests that this Court enter judgment denying and dismissing Newegg's counterclaims, and that the Court enter judgment in favor of AdjustaCam as requested in AdjustaCam's complaint, as amended or supplemented.

September 28, 2010

Respectfully submitted,

ADJUSTACAM LLC

By: /s/ John J. Edmonds
John J. Edmonds – LEAD COUNSEL
Texas Bar No. 789758
Michael J. Collins
Texas Bar No. 4614510
Erick Robinson
Texas Bar No. 24039142
COLLINS, EDMONDS & POGORZELSKI, PLLC
1616 S. Voss Road, Suite 125
Houston, Texas 77057
Telephone: (281) 501-3425
Facsimile: (832) 415-2535
jedmonds@cepiplaw.com
mcollins@cepiplaw.com
erobinson@cepiplaw.com

Andrew W. Spangler
Texas Bar No. 24041960
Spangler Law P.C.

208 N. Green Street, Suite 300
Longview, Texas 75601
(903) 753-9300
(903) 553-0403 (fax)
spangler@spanglerlawpc.com

ATTORNEYS FOR PLAINTIFF
ADJUSTACAM LLC

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

September 28, 2010

/s/ John J. Edmonds
John J. Edmonds